

Senate Bill 121

By: Senators Smith of the 52nd and Harp of the 29th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-7-131 of the Official Code of Georgia Annotated, relating to  
2 proceedings upon a plea of insanity or mental incompetency at the time of a crime, so as to  
3 provide that a defendant must be found to be mentally retarded by a preponderance of the  
4 evidence to be found guilty but mentally retarded; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 17-7-131 of the Official Code of Georgia Annotated, relating to proceedings  
9 upon a plea of insanity or mental incompetency at the time of a crime, is amended by  
10 revising paragraph (3) of subsection (c) as follows:

11 "(3) The defendant may be found 'guilty but mentally retarded' if the jury, or court acting  
12 as trier of facts, finds beyond a reasonable doubt that the defendant is guilty of the crime  
13 charged and by a preponderance of the evidence that the defendant is mentally retarded.  
14 If the court or jury should make such finding, it shall so specify in its verdict."

15 **SECTION 2.**

16 All laws and parts of laws in conflict with this Act are repealed.